

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Plaintiff, United States of America, alleged in a Verified Complaint for Forfeiture In Rem that the Defendant currency is subject to forfeiture to the United States pursuant to 21 U.S.C. § 881. ECF No. 1.

The Court has jurisdiction over this matter by virtue of 28 U.S.C. §§ 1345 and 1333. Venue is proper pursuant to 28 U.S.C. § 1335.

The defendant property being forfeited is described as follows:

\$5,652.00 U.S. Currency, seized by FBI from Frankie Gutierrez, on or about August 9, 2012, pursuant to a traffic stop and incident to his arrest on outstanding warrants.

On January 11, 2013, the Clerk's office issued the Warrant of Arrest In Rem, pursuant to the Court's order of the same date. ECF No. 3.

On January 17, 2013, the Warrant of Arrest In Rem was returned executed and filed herein on January 24, 2013. ECF No. 5.

Notice of Civil Forfeiture Action was posted on the official government website beginning January 5, through February 3, 2013, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, as evidenced by the Notice of Publication filed herein on

1 April 22, 2013. ECF Nos. 15, 15-1 and 15-2. At the latest, the claim period  
2 expired on March 6, 2013.

3 On or about January 24, 2013, Frankie Gutierrez, was served, via certified  
4 mail, return receipt requested, at his last known address and in care of his attorney,  
5 Christian Phelps, with a copy of the Verified Complaint for Forfeiture In Rem,  
6 Warrant of Arrest In Rem, and Notice of Complaint for Forfeiture. ECF No. 6 and  
7 6-1. Based upon the direct notice's service date the last date to file a timely claim  
8 was February 28, 2013. On or about February 19, 2013, an Amended Notice of  
9 Complaint was filed to correct the year his claim was due from "2015" to "2013".  
10 ECF No. 8. On or about February 22, 2013, Frankie Gutierrez filed a claim. ECF  
11 No. 9.

12 On or about April 23, 2013, the United States and Claimant Frankie  
13 Gutierrez entered into a Settlement Agreement and Stipulation for Order of  
14 Forfeiture in which the parties agreed that in order to settle his claim, the United  
15 States would return \$2,779.80 of the Defendant currency to Claimant, and that the  
16 remaining \$2,779.80 would be forfeited to the United States, without further  
17 notice or hearing. ECF No. 16.

18 It appearing to the Court that Claimant Frankie Gutierrez's claim has been  
19 resolved through the entry of the Settlement Agreement and Stipulation for Order  
20 of Forfeiture filed herein;

21 It also appearing to the Court that no other timely claims have been made to  
22 the defendant currency;

23 **IT IS HEREBY ORDERED:**

24 1. The Government's Motion for Final Order of Forfeiture (ECF No. 17) is  
25 **GRANTED**. The United States shall return \$2,779.80 of the Defendant currency  
26 to Claimant, and the remaining \$2,779.80 Defendant currency is hereby forfeited  
27 to the United States of America, and no right, title, or interest shall exist in any  
28 other person.

2. The United States shall dispose of the forfeited defendant currency in accordance with law.

**IT IS SO ORDERED.** The Clerk shall file this Order, distribute copies to counsel, and close this file.

DATED this 24th day of April, 2013.

s/ Justin L. Quackenbush  
JUSTIN L. QUACKENBUSH  
SENIOR UNITED STATES DISTRICT JUDGE